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25 **UNITED STATES DISTRICT COURT**
26 **CENTRAL DISTRICT OF CALIFORNIA – EASTERN DIVISION**

27 JAMERLYN SWAN,
28 Plaintiff,

vs.

COUNTY OF RIVERSIDE, a legal
subdivision of the State of California,
and DOES 1-10, inclusive,

Defendants.

Case No.

**COMPLAINT FOR VIOLATION OF
FAIR LABOR STANDARDS ACT
(29 U.S.C. § 207)
AND DEMAND FOR JURY TRIAL**

1 2022 for this Plaintiff. Plaintiffs' claim was accordingly tolled during the pendency
2 of that matter through July 11, 2022

3 6. Defendant COUNTY OF RIVERSIDE (hereinafter "Defendant") is a
4 legal subdivision of the State of California, pursuant to Article 11, Section 1(a) of
5 the California Constitution and Cal. Gov. Code § 23002.

6 7. Defendants DOES 1-10, inclusive, are sued herein under fictitious
7 names. Their true names and capacities are unknown to Plaintiff. When their true
8 names and capacities are ascertained, Plaintiff will amend this Complaint by
9 inserting their true names and capacities herein. Plaintiff is informed and believes,
10 and thereon alleges, that each of these fictitiously named defendants is responsible
11 in some manner for the occurrences alleged herein and that the damages alleged
12 herein were caused by such defendants.

13 **GENERAL ALLEGATIONS**

14 8. Throughout Plaintiff's employment with Defendant, Defendant was
15 required under the FLSA to compensate Plaintiff for all hours worked, along with a
16 time-and-a-half premium for all time worked in excess of forty (40) hours per week.
17 Defendant failed to compensate Plaintiff for all hours worked as required by the
18 FLSA.

19 9. Plaintiff is informed and believes, and therefore alleges, that at all
20 times herein mentioned, Defendant was advised by skilled and competent
21 employees, advisors, lawyers and other professionals knowledgeable about the
22 requirements of the FLSA and proper procedures for the payment of overtime
23 compensation to non-exempt employees. Plaintiff thereon alleges that Defendant
24 knew it had a duty to compensate Plaintiff for all hours worked, including overtime,
25 at rates required by the FLSA, and that Defendant willfully, knowingly and
26 intentionally failed and refused to do so.

1 10. Records, if any, concerning the number of hours actually worked by
2 Plaintiff and the compensation actually paid to Plaintiff are in the possession and
3 custody of the Defendant.

4 **FIRST CLAIM FOR RELIEF (Violation of FLSA, 29 U.S.C. §207)**

5 11. Plaintiff incorporates by reference the allegations of Paragraphs 1
6 through 10 of this Complaint, as though fully set forth in this First Claim for Relief.

7 12. At all times relevant to this Complaint, Defendant was an enterprise
8 engaged in interstate commerce or in the production of goods for commerce as
9 defined by 29 U.S.C. §§ 203(r) and 203(s). At all times relevant to this Complaint,
10 Defendant was an employer within the meaning of 29 U.S.C. § 203(d) and has
11 employed and may continue to employ within the meaning of 29 U.S.C. § 203(g)
12 Plaintiff.

13 13. Plaintiff was employed by Defendant as a non-exempt, case-carrying
14 CSD Social Worker.

15 14. All non-exempt CSD Social Workers, including Plaintiff, are entitled
16 under the FLSA to be compensated for all of hours worked, plus a time-and-a-half
17 premium for all time worked in excess of forty (40) hours per week.

18 15. While Plaintiff was employed by Defendant, Defendant frequently
19 required, suffered, and/or permitted Plaintiff to work more than forty (40) hours per
20 week without paying all of the compensation required by the FLSA, pursuant to
21 written and unwritten employment policies.

22 16. Upon information and belief, Defendants failed to accurately record,
23 report, and/or preserve complete records of hours worked by Plaintiff, as required
24 pursuant to 29 U.S. Code § 211(c). To the extent that any such records do exist,
25 they are in the possession of Defendants and are discoverable in this action.

1 WHEREFORE, Plaintiff JAMERLYN SWAN prays for the following relief
2 pursuant to *inter alia*, 29 U.S.C. § 216(b):

- 3 1. Judgment against Defendants for an amount equal to the overtime
4 Defendants failed to pay at the applicable overtime rate;
 - 5 2. Liquidated damages in an additional amount equal to the overtime
6 Defendants failed to pay at the applicable overtime rate;
 - 7 3. Attorney's fees and costs;
 - 8 4. A finding that Defendants' violations of law were willful pursuant to
9 29 U.S.C. § 255(a), providing for an extended three-year damages recovery period
10 preceding the date Plaintiff's executed Consent to Sue was filed in the related action
11 *Karrene Phillips et al. v. County of Riverside*, Case No. 5:19-cv-01231;
 - 12 5. An award of prejudgment interest; and
 - 13 6. Such further relief as the Court deems just and equitable.
- 14

15 Dated: July 8, 2022

Respectfully submitted,

17 CUTTER LAW P.C.

18 By: /s/ John R. Parker, Jr.
19 John R. Parker, Jr.

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Attorneys for Plaintiffs

SIGNATURE ATTESTATION

I hereby attest that I have obtain the authorization from the signatories to this e-filed document and have been authorized to indicate their consent by a conformed signature (/s/) within this e-filed document.

/s/ John R. Parker, Jr.
John R. Parker, Jr.